THE HON'BLE SMT JUSTICE T.MEENA KUMARI

and

THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL NO : 1273 of 2005

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Dated: 28-07-2005

Between:

Suddala Sathaiah S/o.Narsaiah, R/o. Bellampally,C/o.G.Prakash Chary Jr.Asst., Forest Range Office,BPA Bellampally, Adilabad Dist.

..... APPELLANT

AND

The Chief General Manager (T & E) Singareni Collieries Co.Ltd., Kothagudem Khammam Dist and others.

…..RESPONDENTS

THE HON'BLE SMT JUSTICE T.MEENA KUMARI

and

THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL NO : 1273 of 2005

JUDGMENT: (Per the Hon'ble Smt Justice T.Meena Kumari)

Challenge in this appeal is as to the correctness of the order of the learned single Judge dated 02-12-2004 in W.P.No.1049 of 1995.

02. The appellant was appointed as Attender in the Singareni Collieries High School, Bellampally on 21.07.1987. He applied for leave from 02-02-1990 to 05-02-1990 and the same was sanctioned. Subsequently, it was extended on medical grounds. After expiry of leave, when he reported to duty on 24.5.1991, he was refused to be taken into service. In spite of his best efforts, he could not get any positive response from the Management. Hence, he preferred the writ petition.

03. Controverting the allegations made in the writ petition, a counter-affidavit has been filed by the respondent-management, wherein it has been stated that the appellant did not report for duty at all and he never approached the authorities at any point of time. It is further stated that the name of the appellant was struck off from the rolls and he is no more in service.

04. After scturinizing the entire material on record and having heard the learned counsel on either side, the learned single Judge allowed the writ petition, directing the respondents to permit the petitioner to join duty as Attender in Singareni Colieries High School, Bellampally. It was further observed that the appellant is not entitled for the wages for the interregnum period from 25.05.1991 till the date of reinstatement and the said period shall, however, be counted as continuous service for the purpose of terminal benefits.

05. We have heard the learned counsel appearing for the parties.

06. The contention of the learned counsel for the appellant is that the learned single Judge ought to have ordered for payment of full back wages at least from the date of filing of the writ petition.

07. Perused the entire material placed before this Court and the order impugned. It is delineated from the letter dated 3-1-1992 addressed by the Head Master to the Management that the appellant submitted an application on 20-05-1991 for granting permission to take him into duty on the basis of the medical certificate issued by the Civil Assistant Surgeon. From this, it can be inferred that there are

bonafides on the part of the appellant. But in view of the fact that the petitioner had not worked for the said interregnum period, we feel that the learned single Judge is justified in ordering for reinstatement while making it clear that the interregnum period shall be treated as continuous service for the purpose of terminal benefits.

09. In the backdrop of the facts and circumstances, we find no substance in the appeal and the same is liable to be dismissed.

10. Resultantly, the writ appeal is dismissed. No costs.

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T.MEENA KUMARI, J

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P.LAKSHMANA REDDY, J

28.07.2005

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